

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FIBER TECHNOLOGIES NETWORKS, LLC	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
VERIZON MA NEW ENGLAND, (f/k/a New England	)	
Telephone and Telegraph Company),	)	
	)	
and	)	
	)	
NORTHEAST UTILITIES SERVICE COMPANY,	)	D.T.E. 03-56
d/b/a Western Massachusetts Electric Company,	)	
	)	
and	)	
	)	
THE MASSACHUSETTS ELECTRIC COMPANY,	)	
	)	
Respondents.	)	
	)	

**MEMORANDUM OF FIBER TECHNOLOGIES NETWORKS, L.L.C.**  
**IN OPPOSITION TO MECO MOTION TO STAY PROCEEDING**  
**PENDING RESOLUTION OF MOTIONS TO DISMISS**

Fiber Technologies Networks, LLC, f/k/a Fiber Systems, LLC, (“Fibertech”) opposes the motion by Massachusetts Electric Company (“MECO”) to stay this proceeding pending resolution of the motion to dismiss filed by MECO and by Verizon MA New England (“Verizon”) and Northeast Utilities Service Company, d/b/a Western Massachusetts Electric Company (“WMECO”). The Department’s statutory deadline for completing a decision on a pole attachments complaint prevents it from entering a stay but, even if the Department could do so, a stay is not for called for.

Under the Department's rules and regulations, it is required to issue a final order in this matter "within 180 days after the complaint is filed." 220 C.M.R. 45.08. This time limit is derived from the federal statute; Massachusetts would not be considered to regulate pole attachments unless the Department takes final action on pole attachment complaints within this 180-day period. 47 U.S.C. § 224 (c)(3)(B). The Department must proceed with the hearing required in this matter to be sure of meeting its 180-day deadline.

For the reasons stated in Fibertech's Memorandum of Law in Opposition to Motions to Dismiss, moreover, the respondents' motions to dismiss are not well founded, and therefore do not furnish any basis for a stay even the Department could entertain one. For these reasons, MECO's motion for a stay of proceedings should be denied.

Respectfully submitted,

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Dated: June 23, 2003